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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

STEVEN DE COSTA, in his)	CIVIL NO. 03-00598 DAE/LEK
representative capacity as)	
Chairperson of the Board of)	DEFENDANT'S
Trustees of United Public Workers,)	SUPPLEMENTAL AFFIDAVIT IN
AFSCME Local 646, AFL-CIO,)	SUPPORT OF DEFENDANT'S
Mutual Aid Fund Trust, Real Party)	CONCISE STATEMENT OF
in Interest, United Public Workers,)	MATERIAL FACTS IN SUPPORT
Local 646, AFL-CIO,)	OF DEFENDANT'S RENEWED
)	MOTION FOR SUMMARY
Plaintiff,)	JUDGMENT FILED NOVEMBER
)	24, 2007; AFFIDAVIT OF GARY
vs.)	W. RODRIGUES; CERTIFICATE
)	OF SERVICE
GARY W. RODRIGUES,)	
)	Hearing:
Defendant.)	Date: <u>November 26, 2007</u>
)	Time: <u>10:30 a.m.</u>
)	Judge: <u>Hon. David a. Ezra</u>
)	
)	
)	(Trial: March 11, 2008)

**DEFENDANT'S REPLY TO PLAINTIFF'S OPPOSITION TO
DEFENDANT'S CONCISE STATMENT OF MATERIAL FACTS**

Defendant Gary W. Rodrigues, by and through his undersigned counsel, submits the attached affidavit in response to Plaintiff's Opposition to Defendant's Concise Statement of Material Facts in Support of Defendant's Renewed Motion for Summary Judgment.¹

DATED: Honolulu, Hawai'i, November 14, 2007.

/s/ Eric A. Seitz
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1. Although Plaintiff challenges the authenticity of Exhibit 2, "Declaration of 501(c)(9) Trust by UPW Local 646, AFSCME, AFL-CIO," i.e., ¶1, Plaintiff's Opposition to Defendant's Concise Statement of Material Facts, filed November 8, 2007, Defendant notes that when this same document was presented in support of Defendant's Motion for Summary Judgment, filed March 28, 2007, Plaintiff raised no challenge in its Opposition filed May 4, 2007, see, Id., at ¶9. See, LR56.1 (g).